

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 15-0405**

**NATIONAL v. SMOCK**

**Appellate Case Information**

Case Filed: 18-Jun-2015

Case Closed:

**Dept/Composition**

**Department D**

Hon. Andrew W Gould  
Hon. Peter B Swann  
Hon. Patricia A Orozco

**Side 1. NATIONAL COLLEGIATE STUDENT LOAN TRUST 2007-2, a Delaware Statutory Trust, Plaintiff/Appellant**

(Litigant Group) NATIONAL COLLEGIATE STUDENT LOAN TRUST 2007-2

- National Collegiate Student Loan Trust 2007-2

**Attorney for: Plaintiff/Appellant**

Damian P Richard, Esq. (AZ Bar No. 28477)

**Side 2. DONNA RAND (aka DONNA SMOCK) and THOMAS SMOCK, a married couple, Defendant/Appellee**

(Litigant Group) DONNA SMOCK et al.

- Donna Smock
- Thomas L Smock, Jr.

**Attorneys for: Defendant/Appellees**

Taylor C Young, Esq. (AZ Bar No. 20743)

**CASE STATUS**

Nov 29, 2016....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2013-053254	Breach of Contract		John R Hannah, Authoring Judge of Order		

**OPEN DUE DATE**

**Petition for Review to ASC due**

**Due By:** Thursday, December 29, 2016

Re: OPINION (Reversed, Remanded) Hon Patricia A Orozco - Author; Hon Andrew W Gould - Concur; Hon Peter B Swann - Concur

**2 PENDING MATTERS**

**General Motion**

Filed: 9-Dec-2016

Statement of Costs; Statement of Costs (Appellant)

**General Motion**

Filed: 28-Dec-2016

Withdrawal of Statement of Costs; Declaration of Service (Appellant)

**CASE DECISION**

**29-Nov-2016 OPINION**

Patricia Orozco.....Author  
Andrew Gould.....Concur  
Peter Swann.....Concur

Filed: 29-Nov-2016

Mandate:

Decision Disposition

**Reversed**  
**Remanded**

**36 PROCEEDING ENTRIES**

- 18-Jun-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/20/15
- 18-Jun-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
- 24-Jun-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
- 2-Jul-2015 RECEIPT No.: 2015-00914 ; \$280.00, Check Number: 666392, Applied to: NATIONAL COLLEGIATE STUDENT LOAN TRUST 2007-2 - Class A Filing Fee (\$280.00) Paid for: - By Gurstel Chargo PA
- 13-Jul-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 15-0405****NATIONAL v. SMOCK****36 PROCEEDING ENTRIES**

6.	13-Jul-2015	FILED: Case Management Statement (Appellant)
7.	24-Jul-2015	FILED: Notice of Payment of Appellees' Filing Fee; Notice of Payment of Appellees' Filing Fee (Appellee)
8.	24-Jul-2015	FILED: Notice of Appearance; Proof of Service (Appellant)
9.	29-Jul-2015	RECEIPT No.: 2015-01040 ; \$140.00, Authorization: Ref1: 09015239911, Applied to: DONNA SMOCK et al. - Appellee's Filing Fee (\$140.00) Paid for: - By Intresys Inc
10.	29-Jul-2015	RECEIPT No.: 2015-01042 ; \$140.00, Authorization: Ref1: 090152399, Applied to: DONNA SMOCK et al. - Class B Filing Fee (\$140.00) Paid for: - By Intresys Inc (Memo: x-Ref 2015-01040)
11.	29-Jul-2015	VOID RECEIPT No.: 2015-01040 - \$-140.00, Authorization: Ref1: 09015239911, - Applied to: DONNA SMOCK et al. - Appellee's Filing Fee (\$-140.00) Paid for: - By: Intresys Inc VOID Reason: x-ref 2015-01042 incorrect receivable used. alc
12.	17-Aug-2015	FILED: Notice of Lodging Original Certified Trial Transcript; Reporter's Transcript of Proceedings 12/12/14 (Kimberly C McCright) (Appellant)
13.	24-Aug-2015	FILED: Appellant's Opening Brief; Certificate of Compliance re: Appellant National Collegiate Student Loan Trust 2007-2 Appendix; Declaration of Service re: Appellant National Collegiate Student Loan Trust 2007-2 Opening Brief
14.	24-Aug-2015	FILED: Appellant's Appendix; Declaration of Service re: Appellant National Collegiate Student Loan Trust 2007-2 Appendix
15.	2-Sep-2015	FILED: Notice of Appearance; Certificate of Service (Appellee)
16.	14-Sep-2015	FILED: Unopposed Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
17.	17-Sep-2015	ORDERED: Unopposed Motion for Extension of Time to File Answering Brief; (Appellee) = GRANTED. Due date EXTENDED from Tuesday, 10-13-2015 to Thursday, 11-12-2015. Melina Brill ProTem Judge - Author
18.	11-Nov-2015	FILED: Unopposed Motion for Extension of Time to File Answering Brief (Second); Certificate of Service (Appellee)
19.	13-Nov-2015	ORDERED: Unopposed Motion for Extension of Time to File Answering Brief (Second) (Appellee) = GRANTED. Due date EXTENDED from Thursday, 11-12-2015 to Tuesday, 11-17-2015. Melina Brill ProTem Judge - Author
20.	17-Nov-2015	FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
21.	17-Nov-2015	FILED: Appendix to Answering Brief (Appellee)
22.	14-Dec-2015	FILED: Appellant's Reply Brief; Certificate of Compliance re: Appellant National Collegiate Student Loan Trust 2007-2's Reply Brief; Certificate of Service re: Appellant National Collegiate Student Loan Trust 2007-2's Reply Brief
23.	23-Dec-2015	FILED: Request for Oral Argument; Certificate of Service (Appellee)
24.	29-Dec-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
25.	8-Jan-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
26.	12-Jan-2016	ORDERED: Request for Oral Argument (Appellee) = GRANTED. Hon Michael J Brown - Author
27.	17-Jun-2016	FILED: Notice of Change of Law Firm Address and Phone Numbers; Certificate of Service (Appellee)
28.	7-Jul-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 9-14-16, 09:30 am, COURTROOM 2.
29.	8-Aug-2016	ORDERED: vacating oral argument on 09/07/2016, and resetting oral argument on 09/14/2016, at 9:30 a.m. in courtroom 2 before Department D. Hon Andrew W Gould - Author
30.	10-Aug-2016	FILED: Notice of Oral Argument
31.	11-Aug-2016	FILED: Receipt for Notice of Oral Argument, Signed by Taylor C Young on 08/10/2016 (Appellee)
32.	14-Sep-2016	FILED: Sign-in Sheet/Case is Under Advisement as of 09/14/2016 (Dept D)
33.	29-Nov-2016	OPINION (Reversed, Remanded) Hon Patricia A Orozco - Author; Hon Andrew W Gould - Concur; Hon Peter B Swann - Concur

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**36 PROCEEDING ENTRIES**

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|-----|-------------|-----------------------------------------------------------------------------|
| 34. | 29-Nov-2016 | FILED: Opinion Distribution List                                            |
| 35. | 9-Dec-2016  | FILED: Statement of Costs; Statement of Costs (Appellant)                   |
| 36. | 28-Dec-2016 | FILED: Withdrawal of Statement of Costs; Declaration of Service (Appellant) |